

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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| <p>AIRTOURIST HOLDINGS, LLC, JASON CHEN, and EDGAR PARK,</p> <p>Petitioners,</p> <p>-against-</p> <p>HSBC BANK USA, N.A.,</p> <p>Respondent.</p> | <p>Civil Action No. 1:21-cv-08097-AKH-BCM</p> <p><b>ORDER</b></p> |
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**ALVIN K. HELLERSTEIN, U.S.D.J.**

1. **WHEREAS** AirTourist Holdings, LLC (“AirTourist”), Jason Chen (“Chen”), and Edgar Park (“Park” and collectively “Petitioners”) obtained an arbitral award against Tan Xiangdong aka Xiangdong Tan (“Tan”), HNA Group (“HNA”); HNA Group (International) Co., Ltd. (“HNA International”); HNA Capital Ltd. (“HNA Capital”); Wang Jian (“Jian”); Charles Mobus (“Mobus”); Shi Lei (“Lei”); and Li Ming Bi (“Bi” and collectively “Debtors”) on January 18, 2021; and
2. **WHEREAS** Petitioners obtained a Judgment against Debtors on June 1, 2021 in the Northern District of California, Case No. 4:17-cv-04989-JSW (the “California Action”); and
3. **WHEREAS** the Judgment was subsequently revised twice, the last of which was entered on July 27, 2021 (the “Judgment” – California Action, ECF No. 109); and
4. **WHEREAS** on or about September 15, 2021 Petitioners issued a restraining notice and information subpoena to HSBC Bank USA, N.A. (“HSBC”) requesting it freeze assets in its possession, custody, or control related to Tan (“Restraining Notice”; ECF No. 1-3); and
5. **WHEREAS** on or about September 21, 2021 HSBC responded to Petitioners’ Restraining Notice that it had identified, and did in fact freeze assets related to Tan in its possession, custody or control totaling \$1,188,770.00, (“HSBC Response”; ECF No. 1-4); and
6. **WHEREAS** Petitioners filed a Turnover Petition against HSBC in this Court on September 29, 2021 (“Petition” – ECF No. 1); and

7. **WHEREAS** HSBC provided no Answer to the Petition; and
8. **WHEREAS** on November 10, 2021 Petitioners filed a proposed Order to Show Cause, Declaration of David A. Yearwood with supporting exhibits, and memorandum in support (collectively, “OSC Filing”) arguing that HSBC should immediately turn over to Petitioners all funds in its possession, custody, or control related to Tan as identified in HSBC’s Response (ECF Nos. 9-11); and
9. **WHEREAS** this Court issued an Order to Show Cause on November 10, 2021, setting a due date for opposition papers to Petitioners’ OSC Filing for November 15, 2021, reply papers in further support of Petitioner’s OSC Filing for November 16, 2021, and a hearing date for November 17, 2021 (ECF No. 12); and
10. **WHEREAS** Petitioners served HSBC with copies of the OSC Filing on November 11, 2021, respectively (ECF Nos. 13); and
11. **WHEREAS** on November 12, 2021 Petitioners filed a subsequent proposed Order to Show Cause, Declaration of David A. Yearwood with supporting exhibits, and memorandum in support (collectively, “Second OSC Filing”) arguing that HSBC should immediately turn over to Petitioners all non-exempt funds in its possession, custody, or control related to Tan as identified in HSBC’s Response (ECF Nos. 14-16); and
12. **WHEREAS** the Court issued a subsequent Order to Show Cause setting a due date for opposition papers to Petitioners’ Second OSC Filing for November 15, 2021, reply papers in further support of Petitioner’s OSC Filing for November 16, 2021, and a hearing date for November 17, 2021 (ECF No. 17); and
13. **WHEREAS** Petitioners served Tan with copies of the Second OSC Filing on November 12, 2021, respectively (ECF No. 18); and
14. **WHEREAS** neither HSBC nor Tan opposed either of the OSC Filings; and
15. **WHEREAS** this Court held a hearing on November 17, 2021 at which neither HSBC nor Tan attended (“Hearing”); and

16. **WHEREAS** at the Hearing this Court ordered that HSBC was to immediately turn over to Petitioners any and all non-exempt funds in its possession, custody or control related to Tan sufficient to satisfy the Judgment against Tan; and

17. **WHEREAS** at the time of the Hearing the total Judgment against Tan was **\$594,385** in principal, plus **\$183.005.44** in interest (which, pursuant to the Judgment, accrues at 6% from October 1, 2016 until payment), for a total of **\$777,390.44**; and

18. **WHEREAS** interest accrues at **\$97.70** per day, until Tan pays the Judgment; and

19. **WHEREAS** this Court directed Petitioners to prepare an Order for this Court's signature compelling HSBC to turn over to Petitioners non-exempt funds in its possession, custody or control sufficient to satisfy the Judgment against Tan;

20. **IT IS HEREBY ORDERED** that **HSBC** immediately turn over to **ARENT FOX LLP**, counsel for **PETITIONERS**, **\$777,390.44 plus \$97.70 for each day from November 18, 2021 until funds are transferred to ARENT FOX LLP**, from non-exempt accounts in the possession, custody or control related to Tan.

Dated: New York, New York  
January 19, 2022

ENTER:

/s/ Alvin K. Hellerstein

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UNITED STATES DISTRICT COURT JUDGE